

WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 2629. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2630. Mr. CARDIN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2631. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2632. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2633. Mr. CARPER proposed an amendment to the bill H.R. 3684, supra.

SA 2634. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2633 proposed by Mr. CARPER to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2635. Ms. CORTEZ MASTO (for herself, Mr. CORNYN, Ms. HASSAN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2636. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2637. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2638. Mr. KING (for himself, Mr. SASSE, Mr. ROUNDS, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2639. Ms. ERNST submitted an amendment intended to be proposed to amendment

SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2640. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2620 submitted by Ms. SINEMA and intended to be proposed to the amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2641. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2642. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2643. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2644. Mr. WARNER (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2645. Mr. WARNER (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2646. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2647. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2648. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to

the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2649. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2650. Mr. WARNER (for himself, Mr. PORTMAN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2651. Mr. WARNER (for himself, Mr. PORTMAN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2628.** Mr. Kaine submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 22, strike “and”.

On page 242, line 23, strike “and”.

On page 242, between lines 23 and 24, insert the following:

(iv) greenhouse gas emissions and energy use; and

(v) equitable access to jobs; and

On page 243, line 10, insert “emissions, equitable access to jobs,” after “travel.”.

Beginning on page 243, strike line 24 and all that follows through page 244, line 5, and insert the following:

(2) SECRETARIAL SUPPORT.—

(A) IN GENERAL.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations, and through working with the private sector to procure relevant data in a competitive process, to improve the quality of plans, models, and forecasts described in this subsection.

(B) ADDITIONAL SUPPORT.—The Secretary shall seek opportunities to provide funds to States and metropolitan planning organizations to work with the private sector to procure relevant data in a competitive process to improve the quality of plans, models, and forecasts described in this subsection.

**SA 2629.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr.

TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 221, strike line 21 and all that follows through page 222, line 2, and insert the following:

enhance public safety; and

(4) the minimum retroreflectivity of traffic control devices and pavement markings.

**SA 2630.** Mr. CARDIN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 71103(a)(2) of title XI of division G, strike subparagraph (B) and insert the following:

(B) serves rural areas.

**SA 2631.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 401, line 8, strike “60 days” and insert “59 days”.

**SA 2632.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike “59” and insert “58”.

**SA 2633.** Mr. CARPER proposed an amendment to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 15, between lines 5 and 6, insert the following:

#### SEC. 4. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

**SA 2634.** Mr. CARPER submitted an amendment intended to be proposed to

amendment SA 2633 proposed by Mr. CARPER to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 6, strike “1 day” and insert “2 days”.

**SA 2635.** Ms. CORTEZ MASTO (for herself, Mr. CORNYN, Ms. HASSAN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2633, line 16, insert after “appropriations:” the following: “*Provided further*, That of the amounts made available under this heading in this Act for personnel, contracting, and other costs to administer and oversee grants, \$25,000,000, which shall be made available in equal amounts for each of fiscal years 2022 through 2026, shall be made available to carry out competitive grants, to be awarded by the Federal Aviation Administration, in coordination with the Department of Transportation Human Trafficking Prevention Coordinator, to address human trafficking awareness, education, and prevention efforts, including by coordinating human trafficking prevention efforts across multimodal transportation operations within a community and in line with the best practices and recommendations provided by the Department of Transportation Advisory Committee on Human Trafficking.”.

On page 2684, line 22, strike “\$5,250,000,000” and insert “\$5,225,000,000”.

On page 2684, line 24, strike “and”.

On page 2685, line 4, strike “Code:” and insert “Code; and”.

On page 2685, between lines 4 and 5, insert the following:

(4) \$25,000,000 shall be to carry out competitive grants, to be awarded by the Federal Transit Administration under section 5314 of title 49, United States Code, in coordination with the Department of Transportation Human Trafficking Prevention Coordinator, to address human trafficking awareness, education, and prevention efforts, including by coordinating human trafficking prevention efforts across multimodal transportation operations within a community and in line with the best practices and recommendations provided by the Department of Transportation Advisory Committee on Human Trafficking:

**SA 2636.** Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 24220(a)(5), strike “ensure the prevention of” and insert “reduce”.

In section 24220(a)(5), strike “must be standard equipment in all new passenger motor vehicles” and insert “shall be examined in a report described in subsection (c)”.

In section 24220(c), in the subsection heading, strike “SAFETY STANDARD” and insert “REPORT”.

In section 24220(c), insert “report on the appropriateness of issuing a” after “shall issue a”.

In section 24220(d), strike “To allow sufficient time for manufacturer compliance, the compliance date of the rule issued under subsection (c)” and insert “If, in the report issued under subsection (c), the Secretary determines that it would be appropriate to issue a final rule as described in that subsection, to allow sufficient time for manufacturer compliance, the Secretary shall ensure that the compliance date of any rule that the Secretary may issue pursuant to that subsection”.

In section 24220(e), in the matter preceding paragraph (1), strike “If the Secretary determines that the Federal motor vehicle safety standard required under subsection (c)” and insert “If, in the report issued under subsection (c), the Secretary determines that a Federal motor vehicle safety standard described in that subsection”.

In section 24220(e), in the matter preceding paragraph (1), strike “by the applicable date” and insert “by the date of the report”.

In section 24220(e)(1), insert “for considering the appropriateness of issuing such a standard” after “the time period”.

In section 24220(e)(2), in the matter preceding subparagraph (A), strike “the rule under that subsection” and insert “a rule described in that subsection, if determined to be appropriate.”.

In section 24220(e)(2)(D), insert “, if determined to be appropriate” after “subsection (c)”.

In section 24220(e)(3), in the matter preceding subparagraph (A), strike “required by” and insert “described in”.

**SA 2637.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2438, strike lines 6 through 9 and insert the following:

(2) in subsection (n), by striking “January 1, 2022” and inserting “October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business or an organization which is described in section 501(c) and exempt from tax under section 501(a), January 1, 2022)”.

**SA 2638.** Mr. KING (for himself, Mr. SASSE, Mr. ROUNDS, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI of division G, add the following:

**Subtitle C—National Cyber Resilience Assistance Fund**

**SEC. 70621. ESTABLISHMENT OF THE NATIONAL CYBER RESILIENCE ASSISTANCE FUND.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States now operates in a cyber landscape that requires a level of data security, resilience, and trustworthiness that neither the United States Government nor the private sector alone is currently equipped to provide;

(2) the United States must deny benefits to adversaries who have long exploited cyberspace to their advantage, to the disadvantage of the United States, and at little cost to themselves;

(3) this new approach requires securing critical networks in collaboration with the private sector to promote national resilience and increase the security of the cyber ecosystem;

(4) reducing the vulnerabilities adversaries can target denies them opportunities to attack the interests of the United States through cyberspace;

(5) the public and private sectors struggle to coordinate cyber defenses, leaving gaps that decrease national resilience and create systemic risk;

(6) new technology continues to emerge that further compounds these challenges;

(7) while the Homeland Security Grant Program and resourcing for national preparedness under the Federal Emergency Management Agency are well-established, the United States Government has no equivalent for cybersecurity preparation or prevention;

(8) the lack of a consistent, resourced fund for investing in resilience in key areas inhibits the United States Government from conveying its understanding of risk into strategy, planning, and action in furtherance of core objectives for the security and resilience of critical infrastructure;

(9) the Federal Government must fundamentally shift the way it invests in resilience and shift the focus away from reactive disaster spending towards research-supported and risk-driven proactive investment in critical infrastructure cyber resilience;

(10) Congress has worked diligently to establish the Cybersecurity and Infrastructure Security Agency, creating a new agency that can leverage broad authorities to receive and share information, provide technical assistance to operators, and partner with stakeholders across the executive branch, State and local communities, and the private sector;

(11) the Cybersecurity and Infrastructure Security Agency requires strengthening in its mission to ensure the national resilience of critical infrastructure, promote a more secure cyber ecosystem, and serve as the central coordinating element to support and integrate Federal, State, local, and private-sector cybersecurity efforts; and

(12) the Cybersecurity and Infrastructure Security Agency requires further resource investment and clear authorities to realize its full potential.

(b) AMENDMENTS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (11), by striking “and” at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking “section 2215” and inserting “section 2217”; and

(ii) by striking “and” at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2218, as added by section 70612 of this Act, as section 2220A;

(3) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(4) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(5) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(6) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(7) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(8) by adding at the end the following:

**“SEC. 2220B. NATIONAL CYBER RESILIENCE ASSISTANCE FUND.**

“(a) DEFINITIONS.—In this section:

“(1) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given that term in section 2209.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that meets the guidelines and requirements for eligible entities established by the Secretary under subsection (d)(4).

“(3) FUND.—The term ‘Fund’ means the National Cyber Resilience Assistance Fund established under subsection (c).

“(4) NATIONAL CRITICAL FUNCTIONS.—The term ‘national critical functions’ means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

“(b) CREATION OF A CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY AND A NATIONAL RISK MANAGEMENT CYCLE.—

“(1) INITIAL RISK IDENTIFICATION AND ASSESSMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, vulnerabilities, and consequences.

“(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall coordinate with the heads of Sector Risk Management Agencies and consult with critical infrastructure owners and operators and the National Cyber Director.

“(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A).

“(D) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A).

“(2) INITIAL NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers the report required under paragraph (1)(D), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

“(B) ELEMENTS.—In the strategy delivered under subparagraph (A), the President shall—

“(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise, disrupt, or impede the ability of the critical infrastructure to support the national critical functions of national security, economic security, or public health and safety;

“(ii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

“(iii) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each;

“(iv) outline the budget plan required to provide sufficient resources to successfully execute the full range of activities proposed or described by the strategy; and

“(v) request any additional authorities or resources necessary to successfully execute the strategy.

“(C) FORM.—The strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

“(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers the strategy under subparagraph (A), and every year thereafter, the Secretary, in coordination with the heads of Sector Risk Management Agencies, shall brief the appropriate congressional committees on the national risk management cycle activities undertaken pursuant to the strategy.

“(4) FIVE YEAR RISK MANAGEMENT CYCLE.—

“(A) RISK IDENTIFICATION AND ASSESSMENT.—Under procedures established by the Secretary, the Secretary shall repeat the conducting and reporting of the risk identification and assessment required under paragraph (1), in accordance with the requirements in paragraph (1), every 5 years.

“(B) STRATEGY.—Under procedures established by the President, the President shall repeat the preparation and delivery of the critical infrastructure resilience strategy required under paragraph (2), in accordance with the requirements in paragraph (2), every 5 years, which shall also include assessing the implementation of the previous national critical infrastructure resilience strategy.

“(C) ESTABLISHMENT OF THE NATIONAL CYBER RESILIENCE ASSISTANCE FUND.—There is established in the Treasury of the United States a fund, to be known as the ‘National Cyber Resilience Assistance Fund’, which shall be available for the cost of risk-based grant programs focused on systematically increasing the resilience of public and private critical infrastructure against cybersecurity risk, thereby increasing the overall resilience of the United States.

“(d) ADMINISTRATION OF GRANTS FROM THE NATIONAL CYBER RESILIENCE ASSISTANCE FUND.—

“(1) IN GENERAL.—In accordance with this section, the Secretary, acting through the Administrator of the Federal Emergency Management Agency and the Director, shall develop and administer processes to—

“(A) establish focused grant programs to address identified areas of cybersecurity risk to, and bolster the resilience of, critical infrastructure;

“(B) accept and evaluate applications for each such grant program;

“(C) award grants under each such grant program; and

“(D) disburse amounts from the Fund.

“(2) ESTABLISHMENT OF RISK-FOCUSED GRANT PROGRAMS.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary, acting through the Director and the Administrator of the Federal Emergency Management Agency, may establish not less than 1 grant program focused on mitigating an identified category of cybersecurity risk identified under the national risk management cycle and critical infrastructure resilience strategy under subsection (b) in order to bolster the resilience of critical infrastructure within the United States.

“(ii) SELECTION OF FOCUS AREA.—Before selecting a focus area for a grant program pursuant to this subparagraph, the Director shall ensure—

“(I) there is a clearly-defined cybersecurity risk identified through the national risk management cycle and critical infrastructure resilience strategy under subsection (b) to be mitigated;

“(II) market forces do not provide sufficient private-sector incentives to mitigate the risk without Government investment; and

“(III) there is clear Federal need, role, and responsibility to mitigate the risk in order to bolster the resilience of critical infrastructure.

“(B) FUNDING.—

“(i) RECOMMENDATION.—Beginning in the first fiscal year following the establishment of the Fund and each fiscal year thereafter, the Director shall—

“(I) assess the funds available in the Fund for the fiscal year; and

“(II) recommend to the Secretary the total amount to be made available from the Fund under each grant program established under this subsection.

“(ii) ALLOCATION.—After considering the recommendations made by the Director under clause (i) for a fiscal year, the Director shall allocate amounts from the Fund to each active grant program established under this subsection for the fiscal year.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Amounts in the Fund shall be used to proactively mitigate risks identified through the national risk management cycle and critical infrastructure resilience strategy under subsection (b) before cyber incidents occur, through activities such as—

“(i) proactive vulnerability assessments and mitigation;

“(ii) defrayal of costs to invest in backup systems critical to mitigating national or economic security risks, as determined by the Federal Government, with cost-sharing from the recipient entity in accordance with subparagraph (B);

“(iii) defrayal of costs to invest in replacing vulnerable systems and assets critical to mitigating national or economic security risks, as determined by the Federal Government, with more secure alternatives with cost-sharing from the recipient entity in accordance with subparagraph (B);

“(iv) grants to nonprofit entities to develop publicly available low-cost or no-cost cybersecurity tools for small-sized and medium-sized entities;

“(v) proactive threat detection and hunting; and

“(vi) network protections.

“(B) FEDERAL SHARE.—The Federal share of the cost of an activity described in clause (ii) or (iii) of subparagraph (A) carried out using funds made available under this section may not exceed—

“(i) for fiscal year 2022, 90 percent;

“(ii) for fiscal year 2023, 80 percent;

“(iii) for fiscal year 2024, 70 percent;

“(iv) for fiscal year 2025, 60 percent; and

“(v) for fiscal year 2026, and each fiscal year thereafter, 50 percent.

“(4) ELIGIBLE ENTITIES.—

“(A) GUIDELINES AND REQUIREMENTS.—

“(i) IN GENERAL.—In accordance with clause (ii), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives a set of guidelines and requirements for determining the entities that are eligible entities.

“(ii) DEADLINES.—The Secretary shall submit the guidelines and requirements under clause (i)—

“(I) not later than 180 days after the date of enactment of this section, and every 2 years thereafter; and

“(II) not later than 90 days before the date on which the Secretary implements the guidelines and requirements.

“(B) CONSIDERATIONS.—In developing guidelines and requirements for eligible entities under subparagraph (A), the Secretary shall consider—

“(i) number of employees;

“(ii) annual revenue;

“(iii) existing entity cybersecurity spending;

“(iv) current cyber risk assessments, including credible threats, vulnerabilities, and consequences; and

“(v) entity capacity to invest in mitigating cybersecurity risk absent assistance from the Federal Government.

“(5) LIMITATION.—For any fiscal year, an eligible entity may not receive more than 1 grant from each grant program established under this subsection.

“(6) GRANT PROCESSES.—The Secretary, acting through the Administrator of the Federal Emergency Management Agency, shall require the submission of such information as the Secretary determines is necessary to—

“(A) evaluate a grant application against the criteria established under this section;

“(B) disburse grant funds;

“(C) provide oversight of disbursed grant funds; and

“(D) evaluate the effectiveness of the funded project in increasing the overall resilience of the United States with respect to cybersecurity risks.

“(7) GRANT CRITERIA.—For each grant program established under this subsection, the Director, in coordination with the Administrator of the Federal Emergency Management Agency and the heads of appropriate Sector Risk Management Agencies, shall develop and publish criteria for evaluating applications for funding, which shall include—

“(A) whether the application identifies a clearly-defined cybersecurity risk;

“(B) whether the cybersecurity risk identified in the grant application poses a substantial threat to critical infrastructure;

“(C) whether the application identifies a program or project clearly designed to mitigate a cybersecurity risk;

“(D) the potential consequences of leaving the identified cybersecurity risk unmitigated, including the potential impact to the critical functions and overall resilience of the nation; and

“(E) other appropriate factors identified by the Director.

“(8) EVALUATION OF GRANTS APPLICATIONS.—

“(A) IN GENERAL.—Utilizing the criteria established under paragraph (7), the Director, in coordination with the Administrator of the Federal Emergency Management Agency and the heads of appropriate Sector Risk Management Agencies, shall evaluate grant applications made under each grant program established under this subsection.

“(B) RECOMMENDATION.—Following the evaluations required under subparagraph (A), the Director shall recommend to the Sec-

retary applications for approval, including the amount of funding recommended for each such approval.

“(9) AWARD OF GRANT FUNDING.—The Secretary shall—

“(A) review the recommendations of the Director prepared pursuant to paragraph (8);

“(B) provide a final determination of grant awards to the Administrator of the Federal Emergency Management Agency to be disbursed and administered under the process established under paragraph (6); and

“(C) provide to the heads of Sector Risk Management Agencies notice of the eligible entities receiving grant awards and intended uses of funds under the grants.

“(e) EVALUATION OF GRANT PROGRAMS UTILIZING THE NATIONAL CYBER RESILIENCE ASSISTANCE FUND.—

“(1) EVALUATION.—The Secretary shall establish a process to evaluate the effectiveness and efficiency of grants distributed under this section and develop appropriate updates, as needed, to the grant programs.

“(2) ANNUAL REPORT.—Not later than 180 days after the conclusion of the first fiscal year in which grants are awarded under this section, and every fiscal year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives a report detailing the grants awarded from the Fund, the status of projects undertaken with the grant funds, any planned changes to the disbursement methodology of the Fund, measurements of success, and total outlays from the Fund.

“(3) GRANT PROGRAM REVIEW.—

“(A) ANNUAL ASSESSMENT.—Before the start of the second fiscal year in which grants are awarded under this section, and every fiscal year thereafter, the Director shall assess the grant programs established under this section and determine—

“(i) for the coming fiscal year—

“(I) whether new grant programs with additional focus areas should be created;

“(II) whether any existing grant program should be discontinued; and

“(III) whether the scope of any existing grant program should be modified; and

“(ii) the success of the grant programs in the prior fiscal year.

“(B) SUBMISSION TO CONGRESS.—Not later than 90 days before the start of the second fiscal year in which grants are awarded under this section, and every fiscal year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives the assessment conducted pursuant to subparagraph (A) and any planned alterations to the grant program for the coming fiscal year.

“(f) LIMITATION ON USE OF GRANT FUNDS.—Funds awarded pursuant to this section—

“(1) shall supplement and not supplant State or local funds or, as applicable, funds supplied by the Bureau of Indian Affairs; and

“(2) may not be used—

“(A) to provide any Federal cost-sharing contribution on behalf of a State or local government;

“(B) to pay a ransom;

“(C) by or for a non-United States entity; or

“(D) for any recreational or social purpose.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2022 through 2026.

“(h) TRANSFERS AUTHORIZED.—During a fiscal year, the Secretary or the head of any component of the Department that administers the State and Local Cybersecurity Grant Program may transfer not more than 5 percent of the amounts appropriated pursuant to subsection (g) or other amounts appropriated to carry out the National Cyber Resilience Assistance Fund for that fiscal year to an account of the Department for salaries, expenses, and other administrative costs incurred for the management, administration, or evaluation of this section.

“(i) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House of Representatives a report containing the results of a study regarding the effectiveness of the programs described in this section.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2218, as added by section 70612 of this Act, and inserting the following:

“Sec. 2214. National Asset Database.  
 “Sec. 2215. Duties and authorities relating to .gov internet domain.  
 “Sec. 2216. Joint Cyber Planning Office.  
 “Sec. 2217. Cybersecurity State Coordinator.  
 “Sec. 2218. Sector Risk Management Agencies.  
 “Sec. 2219. Cybersecurity Advisory Committee.  
 “Sec. 2220. Cybersecurity education and training programs.  
 “Sec. 2220A. State and Local Cybersecurity Grant Program.  
 “Sec. 2220B. National Cyber Resilience Assistance Fund.”.

(2) ADDITIONAL TECHNICAL AMENDMENT.—

(A) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “Homeland Security Act” and inserting “Homeland Security Act of 2002”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260).

**SA 2639.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF FUNDS FROM THE DEPARTMENT OF ENERGY.**

An awardee or subawardee carrying out an award or subaward or project that is, in whole or in part, carried out using funds provided by the Department of Energy under any division of this Act (including an amendment made by any division of this Act) shall

clearly state, to the extent possible, in any statement, press release, request for proposals, bid solicitation, or other document describing the award or subaward or project, other than a communication containing not more than 280 characters—

(1) the percentage of the total costs of the award or subaward or project that will be financed with funds provided by the Department of Energy;

(2) the dollar amount of the funds provided by the Department of Energy made available for the award or subaward or project; and

(3) whether the activities funded by the award or subaward or project will be financed by nongovernmental sources.

**SEC. . DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF FUNDS FROM THE DEPARTMENT OF TRANSPORTATION.**

(a) IN GENERAL.—A grantee or subgrantee carrying out a program, project, or activity that is, in whole or in part, carried out using funds provided by the Department of Transportation under any division of this Act shall clearly state, to the extent possible, in any statement, press release, request for proposals, bid solicitation, or other document describing the program, project, or activity, other than a communication containing not more than 280 characters—

(1) the percentage of the total costs of the program, project, or activity that will be financed with funds provided by the Department of Transportation under this Act;

(2) the dollar amount of the funds provided by the Department of Transportation under this Act made available for the program, project, or activity; and

(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by non-Federal sources.

(b) APPLICATION.—This section shall not apply to awards of Federal funds less than \$50,000.

**SA 2640.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2620 submitted by Ms. SINEMA and intended to be proposed to the amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 15, strike “placed”.

**SA 2641.** Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1592, strike lines 6 through 13 and insert the following:

“(2) is in service on or after the date of enactment of this section;

“(3) meets the requirements of subclauses (I) and (III) of section 242(b)(1)(B)(ii); and

“(4)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

“(B) would be constructed or brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements or investment carried out using an incentive payment under this section.

On page 1593, line 15, insert “subject to subsection (c),” before “environmental”.

On page 1594, between lines 8 and 9, insert the following:

“(c) CONDITION.—Incentive payments may only be made for environmental improvements under subsection (b)(3) on the condition that the improvements, including any related physical or operational changes, have been authorized under applicable Federal, State, and Tribal permitting or licensing processes that include appropriate mitigation conditions arising from consultation and environmental review under the processes.

On page 1594, line 9, strike “(c)” and insert “(d)”.

On page 1594, line 18, strike “(d)” and insert “(e)”.

**SA 2642.** Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2095, strike lines 18 through 20.

**SA 2643.** Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2149, lines 11 and 12, strike “gender identity, sexual orientation.”.

**SA 2644.** Mr. WARNER (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, strike lines 5 through 18 and insert the following:

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed, and statements required to be furnished, after December 31, 2023.

(d) RULES OF CONSTRUCTION.—

(1) DEFINITION OF BROKER.—Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of—

(A) validating distributed ledger transactions, without providing other functions or services, or

(B) selling hardware or software the sole function of which is to permit persons to control a private key (used for accessing digital assets on a distributed ledger).

(2) BROKERS AND TREATMENT OF DIGITAL ASSETS.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

**SA 2645.** Mr. WARNER (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, after line 8, insert the following:

(d) RULES OF CONSTRUCTION.—

(1) DEFINITION OF BROKER.—Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of—

(A) validating distributed ledger transactions, without providing other functions or services, or

(B) selling hardware or software the sole function of which is to permit persons to control a private key (used for accessing digital assets on a distributed ledger).

(2) BROKERS AND TREATMENT OF DIGITAL ASSETS.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

**SA 2646.** Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2095, strike line 18 and all that follows through line 2 on page 2150 and insert the following:

(15) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(16) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education”—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(17) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(18) POSTSECONDARY VOCATIONAL INSTITUTION.—The term “postsecondary vocational institution” has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(19) RURAL AREA.—The term “rural area” has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)).

(20) STATE.—The term “State” means—

(A) any State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(21) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(22) WORKFORCE DEVELOPMENT PROGRAM.—The term “workforce development program” has the meaning given the term in section 3(66) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(66)).

#### SEC. 60303. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a broadband connection and digital literacy are increasingly critical to how individuals—

(A) participate in the society, economy, and civic institutions of the United States; and

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

(C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;

(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

(4) the Federal Government, as well as State, tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and

(5) achieving digital equity is a matter of social and economic justice and is worth pursuing.

#### SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) IN GENERAL.—The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the “Program”)—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Housing and Urban Development;

(iii) the Secretary of Education;

(iv) the Secretary of Labor;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Veterans Affairs;

(vii) the Secretary of the Interior;

(viii) the Federal Communications Commission;

(ix) the Federal Trade Commission;

(x) the Director of the Institute of Museum and Library Services;

(xi) the Administrator of the Small Business Administration;

(xii) the Federal Co-Chair of the Appalachian Regional Commission; and

(xiii) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—

(i) the State Digital Equity Plan for the State; and

(ii) digital inclusion activities in the State generally; and

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

(B) A foundation, corporation, institution, association, or coalition that is—

(i) a not-for-profit entity;

(ii) providing services in the State; and

(iii) not a school.

(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult



education and literacy activities in the State.

(G) A public or multi-family housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(C) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 60302(8) located in that State—

(i) the availability of, and affordability of access to, fixed and wireless broadband technology;

(ii) the online accessibility and inclusivity of public resources and services;

(iii) digital literacy;

(iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and

(v) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

(i) economic and workforce development goals, plans, and outcomes;

(ii) educational outcomes;

(iii) health outcomes;

(iv) civic and social engagement; and

(v) delivery of other essential services;

(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—

(i) community anchor institutions;

(ii) county and municipal governments;

(iii) local educational agencies;

(iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;

(v) nonprofit organizations;

(vi) organizations that represent—

(I) individuals with disabilities, including organizations that represent children with disabilities;

(II) aging individuals;

(III) individuals with language barriers, including—

(aa) individuals who are English learners; and

(bb) individuals who have low levels of literacy;

(IV) veterans; and

(V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;

(vii) civil rights organizations;

(viii) entities that carry out workforce development programs;

(ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;

(x) public housing authorities in the State; and

(xi) a partnership between any of the entities described in clauses (i) through (x); and

(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.

(2) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days

before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).

(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—

(i) before submitting the application—

(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the “comment period”); and

(II) make any changes to the plan that the administering entity determines to be worthwhile; and

(ii) when submitting the application—

(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and

(II) include a written response to each comment received during the comment period.

(3) PLANNING GRANTS.—

(A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.

(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State—

(i) shall submit to the Assistant Secretary an application under subparagraph (C); and

(ii) may not have been awarded, at any time, a planning grant under this paragraph.

(C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—

(I) the administering entity shall submit to the Assistant Secretary; and

(II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).

(iii) The assurances required under subsection (e).

(D) AWARDS.—

(i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).

(ii) DURATION.—

(I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.

(II) EXCEPTION.—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I).

(iii) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the

amount of the grant awarded to the State, as determined under clause (i).

(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—

(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(B) The State Digital Equity Plan of that State, as described in subsection (c).

(C) A certification that the State, acting through the administering entity for the State, shall—

(i) implement the State Digital Equity Plan of the State; and

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).

(D) The assurances required under subsection (e).

(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the Assistant Secretary shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

(I) 50 percent of the total grant amount shall be based on the population of the eligible State in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—

(aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;

(cc) the NTIA Internet Use Survey, which is administered as the Computer and Internet Use Supplement to the Current Population Survey of the Bureau of the Census; and

(dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

(ii) **MINIMUM AWARD.**—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

(iii) **ADDITIONAL AMOUNTS.**—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—

(I) to eligible States to which the Assistant Secretary has awarded grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

(iv) **DATA UNAVAILABLE.**—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as “Puerto Rico”) is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) **DURATION.**—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period beginning on the date on which the eligible State is awarded the grant funds.

(C) **CHALLENGE MECHANISM.**—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) **USE OF FUNDS.**—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 60305(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).

(e) **ASSURANCES.**—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if an entity described in section 60305(b) is awarded grant funds under this section (referred to in this subsection as a “covered recipient”), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

(i) of any program that relates to a grant awarded to the covered recipient; and

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

(A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public

comment in accordance with subsection (c)(2); and

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).

(f) **TERMINATION OF GRANT.**—

(1) **IN GENERAL.**—The Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary—

(A) presents to the State a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and

(ii) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant.

(2) **REDISTRIBUTION.**—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1), the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) **REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.**—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—

(i) the use of that grant by the entity;

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and

(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) the application of each State that has applied for a grant under this section;

(ii) the status of each application described in clause (i);

(iii) each report submitted by an entity under subparagraph (A);

(iv) a record of public comments made regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken as a result of those comments; and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this section; and

(2) may establish additional reporting and information requirements for any recipient of a grant under this section.

(h) **SUPPLEMENT NOT SUPPLANT.**—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.

(i) **SET ASIDES.**—From amounts made available in a fiscal year to carry out the



Program, the Assistant Secretary shall reserve—

(1) not more than 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to—

(i) States, or administering entities for States, to prepare the applications of those States; and

(ii) administering entities with respect to grants awarded under this section; and

(C) developing the report required under section 60306(a);

(2) not less than 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) not less than 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(j) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$60,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;

(2) for the award of grants under subsection (d)—

(A) \$240,000,000 for fiscal year 2022; and

(B) \$300,000,000 for each of fiscal years 2023 through 2026; and

(3) such sums as may be necessary to carry out this section for each fiscal year after the end of the 5-fiscal year period described in paragraph (2).

#### SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 60304(d), and not before that date, the Assistant Secretary shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the “Program”), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 60302(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;

(VIII) the Federal Communications Commission;

(IX) the Federal Trade Commission;

(X) the Director of the Institute of Museum and Library Services;

(XI) the Administrator of the Small Business Administration;

(XII) the Federal Co-Chair of the Appalachian Regional Commission; and

(XIII) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ELIGIBILITY.—The Assistant Secretary may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 60304(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between—

(A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

(i) the Assistant Secretary, by rule, determines to be in the public interest; and

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be awarded a grant under the Program shall submit to the Assistant Secretary an application—

(1) at such time, in such form, and containing such information as the Assistant Secretary may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting; and

(ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;

(D) demonstrates to the satisfaction of the Assistant Secretary that the entity—

(i) is capable of carrying out—

(I) the project or function to which the application relates; and

(II) the activities described in subsection (h)—

(aa) in a competent manner; and

(bb) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

(i) the assurances that are required under subsection (f); and

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

(1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the Assistant Secretary shall, to the extent practicable, consider—

(A) whether an application shall, if approved—

(i) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and

(ii) not result in unjust enrichment;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this title—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

(vi) To undertake any other project and activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the Assistant Secretary;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the Assistant Secretary awards a grant under the Program may use not more than 10 percent of the amount of the grant for administrative costs in carrying out any of the activities described in subparagraph (A).

(D) **TIME LIMITATIONS.**—With respect to a grant awarded to an entity under the Program, the entity—

(i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).

(e) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Federal share of any project for which the Assistant Secretary awards a grant under the Program may not exceed 90 percent.

(2) **EXCEPTION.**—The Assistant Secretary may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if—

(A) the applicant with respect to the project petitions the Assistant Secretary for the waiver; and

(B) the Assistant Secretary determines that the petition described in subparagraph (A) demonstrates financial need.

(f) **ASSURANCES.**—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall—

(1) use any grant funds that the entity is awarded—

(A) in accordance with any applicable statute, regulation, and application procedure; and

(B) to the extent required under applicable law;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

(A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

(A) of any program that relates to a grant awarded to the entity; and

(B) that is carried out by or for the Assistant Secretary or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;

(5) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

(6) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

(g) **DEOBLIGATION OR TERMINATION OF GRANT.**—In addition to other authority under applicable law, the Assistant Secretary may—

(1) deobligate or terminate a grant awarded to an entity under this section if, after

notice to the entity and opportunity for a hearing, the Assistant Secretary—

(A) presents to the entity a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c); and

(ii) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant; and

(2) with respect to any grant funds that the Assistant Secretary deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) **REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.**—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the amount of the grant;

(ii) the use by the entity of the grant amounts; and

(iii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and

(D) ensure that any entity with respect to which an award is deobligated or terminated under subsection (g) may, in a timely manner, appeal or otherwise challenge that deobligation or termination, as applicable; and

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

(i) **SUPPLEMENT NOT SUPPLANT.**—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.

(j) **SET ASIDES.**—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

(C) developing the report required under section 60306(a); and

(D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;

(2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(k) **RULES.**—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and

(2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).

**SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.**

(a) **REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 60304(d)(1), and annually thereafter, the Assistant Secretary shall—

(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 60304 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 60305 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) **PUBLIC AVAILABILITY.**—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

(b) **AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.**—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Federal Communications Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;

(11) the Administrator of the Small Business Administration;

(12) the Federal Co-Chair of the Appalachian Regional Commission;

(13) State agencies and governors of States (or equivalent officials);

(14) entities serving as administering entities for States under section 60304(b);

(15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;

(16) researchers, academics, and philanthropic organizations; and

(17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) **TECHNICAL SUPPORT AND ASSISTANCE.**—The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

#### SEC. 60307. GENERAL PROVISIONS.

(a) **NONDISCRIMINATION.**—

(1) **IN GENERAL.**—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this title.

(2) **ENFORCEMENT.**—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

(3) **JUDICIAL REVIEW.**—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2).

**SA 2647.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . CAP ON ANNUAL PREMIUM INCREASES.

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered cost”—

(A) means—

(i) the amount of an annual premium with respect to any policy for flood insurance under the National Flood Insurance Program;

(ii) any surcharge imposed with respect to a policy described in clause (i) (other than a surcharge imposed under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b))), including a surcharge imposed under section 1308A(a) of that Act (42 U.S.C. 4015a(a)); and

(iii) a fee described in paragraph (1)(B)(iii) or (2) of section 1307(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)); and

(B) does not include any cost associated with the purchase of insurance under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), including any surcharge that relates to insurance purchased under such section 1304(b).

(b) **LIMITATION ON INCREASES.**—

(1) **LIMITATION.**—

(A) **IN GENERAL.**—During the 5-year period beginning on the date of enactment of this Act, notwithstanding section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)), and subject to subparagraph (B), the Administrator may not, in any year, increase the amount of any covered cost by an amount that is more than 9 percent, as compared with the amount of the covered cost during the previous year, except where the increase in the covered cost relates to an exception under paragraph (1)(C)(iii) of such section 1308(e).

(B) **DECREASE OF AMOUNT OF DEDUCTIBLE OR INCREASE IN AMOUNT OF COVERAGE.**—In the case of a policyholder described in section 1308(e)(1)(C)(ii) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)(1)(C)(ii)), the Administrator shall establish a process by which the Administrator determines an increase in covered costs for the policyholder that is—

(i) proportional to the relative change in risk based on the action taken by the policyholder; and

(ii) in compliance with subparagraph (A).

(2) **NEW RATING SYSTEMS.**—

(A) **CLASSIFICATION.**—With respect to a property, the limitation under paragraph (1) shall remain in effect for each year until the covered costs with respect to the property reflect full actuarial rates, without regard to whether, at any time until the year in which those covered costs reflect full actuarial rates, the property is rated or classified under the Risk Rating 2.0 methodology (or any substantially similar methodology).

(B) **NEW POLICYHOLDER.**—If a property to which the limitation under paragraph (1) applies is sold before the covered costs for the property reflect full actuarial rates determined under the Risk Rating 2.0 methodology (or any substantially similar methodology), that limitation shall remain in effect for each year until the year in which those full actuarial rates takes effect.

(c) **RULE OF CONSTRUCTION.**—Nothing in subsection (b) may be construed as prohibiting the Administrator from reducing, in any year, the amount of any covered cost, as compared with the amount of the covered cost during the previous year.

(d) **AVERAGE HISTORICAL LOSS YEAR.**—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (h) and inserting the following:

“(h) **RULE OF CONSTRUCTION.**—For purposes of this section, the calculation of an ‘average historical loss year’ shall be computed in accordance with generally accepted actuarial principles.”

(e) **DISCLOSURE WITH RESPECT TO THE AFFORDABILITY STANDARD.**—Section 1308(j) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(j)) is amended, in the second sentence, by inserting “and shall include in the report the number of those exceptions as of the date on which the Administrator submits the report and the location of each policyholder insured under those exceptions, organized by county and State” after “of the Senate”.

#### SEC. \_\_\_\_ . TARGETED MEANS-TESTED ASSISTANCE.

(a) **IN GENERAL.**—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1308A (42 U.S.C. 4015a) the following:

#### “SEC. 1308B. FLOOD INSURANCE ASSISTANCE.

“(a) **DEFINITIONS.**—In this section:

“(1) **COVERED PROPERTY.**—The term ‘covered property’ means—

“(A) a primary residential dwelling designed for the occupancy of from 1 to 4 families; or

“(B) personal property relating to a dwelling described in subparagraph (A).

“(2) **ELIGIBLE POLICYHOLDER.**—The term ‘eligible policyholder’ means a policyholder with a household income that is not more than 20 percent of the area median income for the area in which the property to which the policy applies is located.

“(3) **HOUSING EXPENSES.**—The term ‘housing expenses’ means, with respect to a household, the total amount that the household spends in a year on—

“(A) mortgage payments, and rent;

“(B) property taxes;

“(C) homeowners insurance; and

“(D) premiums for flood insurance under the national flood insurance program.

“(4) **INSURANCE COSTS.**—The term ‘insurance costs’ means, with respect to a covered property for a year—

“(A) risk premiums and fees estimated under section 1307 and charged under section 1308;

“(B) surcharges assessed under sections 1304 and 1308A; and

“(C) any amount established under section 1310A(c).

“(b) **AUTHORITY.**—Subject to the availability of appropriations, the Administrator is authorized to carry out a means-tested program under which the Administrator provides assistance to eligible policyholders in the form of graduated discounts for insurance costs with respect to covered properties.

“(c) **ELIGIBILITY.**—To determine eligibility for means-tested assistance under this section, the Administrator may require any of the following with respect to an eligible policyholder:

“(2) **Income verification** from the National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

“(3) **A self-certification of eligibility** by the eligible policyholder that is provided under penalty of perjury pursuant to section 1746 of title 28, United States Code.

“(4) **Any other method identified** by the Administrator in interim guidance, or a final rule, issued under subsection (e).

“(d) **DISCOUNT.**—The Administrator may establish graduated discounts available to eligible policyholders under this section, which may be based on the following factors:

“(1) **The percentage by which the household income of an eligible policyholder is equal to, or less than, 120 percent of the area median income for the area in which the property to which the policy applies is located.**

“(3) **The number of eligible policyholders participating in the program established under this section.**

“(4) **The availability of funding.**

“(5) **Any other factor that the Administrator finds reasonable and necessary to carry out the purposes of this section.**

“(e) **IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The Administrator shall issue final rules to implement this section.

“(2) **INTERIM GUIDANCE.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Administrator shall issue interim guidance to implement this section, which shall—

“(i) include—

“(I) a description of how the Administrator will determine—

“(aa) eligibility for households to participate in the program established under this section; and

“(bb) assistance levels for eligible households to which assistance is provided under this section;

“(II) the methodology that the Administrator will use to determine the amount of assistance provided to eligible households under this section; and

“(III) any requirements to which eligible policyholders to which assistance is provided under this section will be subject; and

“(ii) expire on the later of—

“(I) the date that is 84 months after the date of enactment of this section; or

“(II) the date on which the final rules issued under paragraph (1) take effect.

“(B) **RULE OF CONSTRUCTION.**—Nothing in subparagraph (A) may be construed to preclude the Administrator from amending the interim guidance issued under that subparagraph.

“(f) **COLLECTION OF DEMOGRAPHIC INFORMATION.**—The Administrator, in order to evaluate and monitor the effectiveness of this section, and to comply with the reporting requirements under subsection (g), may request demographic information, and other information, with respect to an eligible policyholder to which assistance is provided under this section, which may include—

“(1) the income of the eligible policyholder, as compared with the area median income for the area in which the property to which the policy applies is located; and

“(2) demographic characteristics of the eligible policyholder, including the race and ethnicity of the eligible policyholder.

“(g) **REPORTS TO CONGRESS.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report regarding the implementation and effectiveness of this section.

“(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include information regarding, for the period covered by the report—

“(A) the distribution of household area median income for eligible policyholders to which assistance is provided under this section;

“(B) the number of eligible policyholders to which assistance is provided under this section, which shall be disaggregated by income and demographic characteristics;

“(C) the cost of providing assistance under this section; and

“(D) the average amount of assistance provided to an eligible policyholder under this section, which shall be disaggregated as described in subparagraph (B).

“(h) **RISK COMMUNICATION.**—For the purposes of the communication required under section 1308(i), the Administrator shall provide to an eligible policyholder to which assistance is provided under this section a full flood risk determination with respect to the property of the eligible policyholder, which shall reflect the insurance costs with respect to the property before that assistance is provided.

“(i) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$800,000,000 for each of fiscal years 2022 through 2025 to carry out this section.

“(2) **NOTIFICATION.**—If, in a fiscal year, the Administrator determines that the amount made available to carry out this section is insufficient to provide assistance under this section, the Administrator shall submit to Congress a notification of the remaining amounts necessary to provide that assistance for that fiscal year.

“(3) **DISTRIBUTION OF PREMIUM.**—With respect to the amount of the discounts provided under this section in a fiscal year, and any administrative expenses incurred in carrying out this section for that fiscal year, the Administrator shall, from amounts made available to carry out this section for that fiscal year, deposit in the National Flood Insurance Fund established under section 1310 an amount equal to those discounts and administrative expenses, except to the extent that section 1310A applies to any portion of those discounts or administrative expenses, in which case the Administrator shall deposit an amount equal to those amounts to which section 1310A applies in the National Flood Insurance Reserve Fund established under section 1310A.”

(b) **NATIONAL FLOOD INSURANCE ACT OF 1968.**—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) in section 1308(e) (42 U.S.C. 4015(e))—

(A) in paragraph (1)—

**SA 2648.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. REVITALIZING MAIN STREETS IN SMALL TOWNS AND CITIES OF THE UNITED STATES.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE COMMUNITY.**—The term “eligible community” means a city, town, village, or other incorporated unit of a municipal local government that has a population of less than 40,000 individuals.

(2) **MAIN STREET.**—The term “Main Street”, with respect to an eligible community, means a main street and the area around the main street that constitute the cultural, historical, economic, civic, and emotional heart of the eligible community.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(4) **STATE.**—The term “State” means each of the several States and the territories and possessions of the United States.

(b) **GRANTS.**—The Secretary, in accordance with subsection (f)(1), shall award grants on a competitive basis to eligible communities for the purpose of revitalizing Main Streets in the eligible communities.

(c) **SEPARATE COMPETITIONS.**—In awarding grants to eligible communities under subsection (b), the Secretary shall hold a separate grant competition for each State.

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate the grant competitions described in subsection (c) by soliciting grant applications from eligible communities by publishing a notice of funding opportunity in the Federal Register that provides sufficient notice of the grant competition, the terms of the grant competition, and the submission requirements of an application for the grant competition.

(2) **CONTENTS.**—An application submitted by an eligible entity for a grant under this section shall include—

(A) a description of how the eligible community plans to spend amounts from a grant under this section and the non-Federal funds of the eligible community described in subsection (e)(2)(A) to revitalize the Main Street of the eligible community; and

(B) a description of how the eligible community meets the factors described in subsection (f)(3).

(3) **PROHIBITION.**—The Secretary may not impose additional application or evaluation requirements with respect to an application submitted under paragraph (1).

(e) **MAXIMUM AMOUNTS.**—

(1) **STATE MAXIMUM.**—The maximum amount of funds that may be awarded to eligible communities in a particular State under this section shall be an amount that bears the same proportion to the total amount awarded to eligible communities in all States under this section as the total population of all eligible communities within the State, bears to the total population of all eligible communities in all States.

(2) **ELIGIBLE COMMUNITY MAXIMUM.**—

(A) **IN GENERAL.**—The maximum amount of funds that may be awarded to an eligible

community under this section shall be equal to the amount of non-Federal funds that the eligible community dedicates specifically for revitalizing the Main Street in the eligible community, as specified by the eligible community in the application submitted under subsection (d).

**(B) TAXES.—**

(i) **IN GENERAL.**—An eligible community may not include in the amount of dedicated non-Federal funds specified in an application under subsection (d), for purposes of subparagraph (A) of this paragraph, any amounts that will be raised by new taxes or increased taxes unless voters in the eligible community have approved the new tax or increased tax.

(ii) **CONDITIONAL TAXES.**—In proposing a new tax or increased tax described in clause (i) to voters, an eligible community may propose a new tax or increased tax that is conditioned upon the eligible community receiving a grant under this section.

**(f) SELECTION.—**

(1) **SELECTION COMMITTEES.**—In awarding grants to eligible communities in a particular State under this section, the Secretary shall select the eligible communities in the State recommended by the selection committee for the State established under paragraph (2).

**(2) ESTABLISHMENT OF COMMITTEES.—**

(A) **IN GENERAL.**—The Secretary shall establish a selection committee for each State, which shall be comprised of—

(i) 1 official of the National Trust for Historic Preservation designated by the National Trust for Historic Preservation;

(ii) 1 official of the Main Street America Institute designated by the Main Street America Institute; and

(iii) 3 licensed architects—

(I) selected jointly by the United States Senators from the State; or

(II) with respect to a State that is a territory or possession of the United States, selected by the delegate or resident commissioner to the House of Representatives from the territory or possession.

(B) **EMPLOYMENT.**—The Secretary shall appoint each member of a selection committee selected under subparagraph (A) that is not a Federal employee as an employee of the Department of Housing and Urban Development for the purpose of performing the duties described in subparagraph (C).

(C) **DUTIES.**—Each selection committee of a State established under subparagraph (A) shall—

(i) meet to jointly review applications for a grant under this section submitted by eligible communities located in the State under subsection (d); and

(ii) provide to the Secretary recommendations with respect to the eligible communities located in the State that should receive a grant under this section.

(D) **TERMINATION.**—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App), each selection committee established under this section shall terminate on the day after the date on which the selection committee completes the recommendations required under subparagraph (C)(ii).

(3) **SELECTION FACTORS.**—In providing recommendations to the Secretary under paragraph (2)(C)(ii), the selection committee of a State shall evaluate the application of an eligible community based on the following factors:

(A) The economic vitality of the eligible community, which shall be based on whether the eligible community focuses on capital, incentives, and other economic and financial tools to—

(i) assist new and existing businesses;

(ii) catalyze property development; and

(iii) create a supportive environment for entrepreneurs and innovators that drive local economies.

(B) The proposed design of the eligible community, which shall be based on the transformation of the eligible community by enhancing the physical and visual assets that set the Main Street of the eligible community apart.

(C) The promotion of the Main Street by the eligible community, which shall be based on whether the eligible community—

(i) positions the Main Street of the eligible community as the center and hub of the economic activity of the eligible community; and

(ii) creates a positive image of the Main Street that showcases the unique characteristics of the eligible community.

(D) The organization of the eligible community, which shall be based on whether the plan of the eligible community involves creating a strong foundation for a sustainable revitalization effort, including cultivating partnerships, community involvement, and resources for the Main Street.

(E) The preservation proposed by the eligible community, which shall be based on the proposed quality of preservation, rehabilitation, restoration, and reconstruction of the historic Main Street facades.

(F) The quality of any new buildings proposed by the eligible community on the Main Street of the eligible community and whether those buildings—

(i) fit with the architecture of the existing historic buildings; and

(ii) project the architecture of the time, as of the date of enactment of this Act.

**(g) FUNDING.—**

(1) **REDUCTION.**—Notwithstanding any other provision of this Act or an amendment made by this Act, any amount appropriated under this Act or an amendment made by this Act shall be reduced by 1 percent.

(2) **DIRECT APPROPRIATION.**—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section for fiscal year 2022 an amount equal to the amount of the reductions made under paragraph (1).

**SA 2649.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Mr. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CAP ON ANNUAL PREMIUM INCREASES.**

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered cost”—

(A) means—

(i) the amount of an annual premium with respect to any policy for flood insurance under the National Flood Insurance Program;

(ii) any surcharge imposed with respect to a policy described in clause (i) (other than a surcharge imposed under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b))), including a surcharge imposed under section 1308A(a) of that Act (42 U.S.C. 4015a(a)); and

(iii) a fee described in paragraph (1)(B)(iii) or (2) of section 1307(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)); and

(B) does not include any cost associated with the purchase of insurance under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), including any surcharge that relates to insurance purchased under such section 1304(b).

**(b) LIMITATION ON INCREASES.—**

**(1) LIMITATION.—**

(A) **IN GENERAL.**—During the 5-year period beginning on the date of enactment of this Act, notwithstanding section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)), and subject to subparagraph (B), the Administrator may not, in any year, increase the amount of any covered cost by an amount that is more than 9 percent, as compared with the amount of the covered cost during the previous year, except where the increase in the covered cost relates to an exception under paragraph (1)(C)(iii) of such section 1308(e).

(B) **DECREASE OF AMOUNT OF DEDUCTIBLE OR INCREASE IN AMOUNT OF COVERAGE.**—In the case of a policyholder described in section 1308(e)(1)(C)(ii) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)(1)(C)(ii)), the Administrator shall establish a process by which the Administrator determines an increase in covered costs for the policyholder that is—

(i) proportional to the relative change in risk based on the action taken by the policyholder; and

(ii) in compliance with subparagraph (A).

**(2) NEW RATING SYSTEMS.—**

(A) **CLASSIFICATION.**—With respect to a property, the limitation under paragraph (1) shall remain in effect for each year until the covered costs with respect to the property reflect full actuarial rates, without regard to whether, at any time until the year in which those covered costs reflect full actuarial rates, the property is rated or classified under the Risk Rating 2.0 methodology (or any substantially similar methodology).

(B) **NEW POLICYHOLDER.**—If a property to which the limitation under paragraph (1) applies is sold before the covered costs for the property reflect full actuarial rates determined under the Risk Rating 2.0 methodology (or any substantially similar methodology), that limitation shall remain in effect for each year until the year in which those full actuarial rates takes effect.

(C) **RULE OF CONSTRUCTION.**—Nothing in subsection (b) may be construed as prohibiting the Administrator from reducing, in any year, the amount of any covered cost, as compared with the amount of the covered cost during the previous year.

(d) **AVERAGE HISTORICAL LOSS YEAR.**—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (h) and inserting the following:

“(h) **RULE OF CONSTRUCTION.**—For purposes of this section, the calculation of an ‘average historical loss year’ shall be computed in accordance with generally accepted actuarial principles.”

(e) **DISCLOSURE WITH RESPECT TO THE AFFORDABILITY STANDARD.**—Section 1308(j) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(j)) is amended, in the second sentence, by inserting “and shall include in the report the number of those exceptions as of the date on which the Administrator submits the report and the location of each policyholder insured under those exceptions, organized by county and State” after “of the Senate”.

**SEC. \_\_\_\_ . TARGETED MEANS-TESTED ASSISTANCE.**

(a) **IN GENERAL.**—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1308A (42 U.S.C. 4015a) the following:

**“SEC. 1308B. FLOOD INSURANCE ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) COVERED PROPERTY.—The term ‘covered property’ means—

“(A) a primary residential dwelling designed for the occupancy of from 1 to 4 families; or

“(B) personal property relating to a dwelling described in subparagraph (A).

“(2) ELIGIBLE POLICYHOLDER.—The term ‘eligible policyholder’ means a policyholder with a household income that is not more than 120 percent of the area median income for the area in which the property to which the policy applies is located.

“(3) HOUSING EXPENSES.—The term ‘housing expenses’ means, with respect to a household, the total amount that the household spends in a year on—

“(A) mortgage payments, and rent;

“(B) property taxes;

“(C) homeowners insurance; and

“(D) premiums for flood insurance under the national flood insurance program.

“(4) INSURANCE COSTS.—The term ‘insurance costs’ means, with respect to a covered property for a year—

“(A) risk premiums and fees estimated under section 1307 and charged under section 1308;

“(B) surcharges assessed under sections 1304 and 1308A; and

“(C) any amount established under section 1310A(c).

“(b) AUTHORITY.—Subject to the availability of appropriations, the Administrator is authorized to carry out a means-tested program under which the Administrator provides assistance to eligible policyholders in the form of graduated discounts for insurance costs with respect to covered properties.

“(c) ELIGIBILITY.—To determine eligibility for means-tested assistance under this section, the Administrator may require any of the following with respect to an eligible policyholder:

“(2) Income verification from the National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

“(3) A self-certification of eligibility by the eligible policyholder that is provided under penalty of perjury pursuant to section 1746 of title 28, United States Code.

“(4) Any other method identified by the Administrator in interim guidance, or a final rule, issued under subsection (e).

“(d) DISCOUNT.—The Administrator may establish graduated discounts available to eligible policyholders under this section, which may be based on the following factors:

“(1) The percentage by which the household income of an eligible policyholder is equal to, or less than, 120 percent of the area median income for the area in which the property to which the policy applies is located.

“(3) The number of eligible policyholders participating in the program established under this section.

“(4) The availability of funding.

“(5) Any other factor that the Administrator finds reasonable and necessary to carry out the purposes of this section.

“(e) IMPLEMENTATION.—

“(1) IN GENERAL.—The Administrator shall issue final rules to implement this section.

“(2) INTERIM GUIDANCE.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue interim guidance to implement this section, which shall—

“(i) include—

“(I) a description of how the Administrator will determine—

“(aa) eligibility for households to participate in the program established under this section; and

“(bb) assistance levels for eligible households to which assistance is provided under this section;

“(II) the methodology that the Administrator will use to determine the amount of assistance provided to eligible households under this section; and

“(III) any requirements to which eligible policyholders to which assistance is provided under this section will be subject; and

“(ii) expire on the later of—

“(I) the date that is 84 months after the date of enactment of this section; or

“(II) the date on which the final rules issued under paragraph (1) take effect.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to preclude the Administrator from amending the interim guidance issued under that subparagraph.

“(f) COLLECTION OF DEMOGRAPHIC INFORMATION.—The Administrator, in order to evaluate and monitor the effectiveness of this section, and to comply with the reporting requirements under subsection (g), may request demographic information, and other information, with respect to an eligible policyholder to which assistance is provided under this section, which may include—

“(1) the income of the eligible policyholder, as compared with the area median income for the area in which the property to which the policy applies is located; and

“(2) demographic characteristics of the eligible policyholder, including the race and ethnicity of the eligible policyholder.

“(g) REPORTS TO CONGRESS.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report regarding the implementation and effectiveness of this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include information regarding, for the period covered by the report—

“(A) the distribution of household area median income for eligible policyholders to which assistance is provided under this section;

“(B) the number of eligible policyholders to which assistance is provided under this section, which shall be disaggregated by income and demographic characteristics;

“(C) the cost of providing assistance under this section; and

“(D) the average amount of assistance provided to an eligible policyholder under this section, which shall be disaggregated as described in subparagraph (B).

“(h) RISK COMMUNICATION.—For the purposes of the communication required under section 1308(l), the Administrator shall provide to an eligible policyholder to which assistance is provided under this section a full flood risk determination with respect to the property of the eligible policyholder, which shall reflect the insurance costs with respect to the property before that assistance is provided.

“(i) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$800,000,000 for each of fiscal years 2022 through 2025 to carry out this section.

“(2) NOTIFICATION.—If, in a fiscal year, the Administrator determines that the amount made available to carry out this section is insufficient to provide assistance under this section, the Administrator shall submit to Congress a notification of the remaining amounts necessary to provide that assistance for that fiscal year.

“(3) DISTRIBUTION OF PREMIUM.—With respect to the amount of the discounts provided under this section in a fiscal year, and any administrative expenses incurred in carrying out this section for that fiscal year, the Administrator shall, from amounts made available to carry out this section for that fiscal year, deposit in the National Flood Insurance Fund established under section 1310 an amount equal to those discounts and administrative expenses, except to the extent that section 1310A applies to any portion of those discounts or administrative expenses, in which case the Administrator shall deposit an amount equal to those amounts to which section 1310A applies in the National Flood Insurance Reserve Fund established under section 1310A.”.

(b) NATIONAL FLOOD INSURANCE ACT OF 1968.—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) in section 1308(e) (42 U.S.C. 4015(e))—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C)(iii), by adding “or” at the end; and

(iii) by adding at the end the following:

“(D) in the case of a property with respect to which assistance is provided under section 1308B, if—

“(i) the applicable policyholder is no longer eligible to receive assistance under that section;

“(ii) the assistance so provided has been decreased under that section; or

“(iii) the Administrator is not authorized, or lacks appropriated funds, to carry out that section;”; and

(B) in paragraph (3), by striking “period; and” and inserting the following: “period, except in the case of a property with respect to which assistance is provided under section 1308B if a condition described in clause (i), (ii), or (iii) of paragraph (1)(D) is applicable; and”; and

(2) in section 1366(d) (42 U.S.C. 4104c(d))—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) FLOOD INSURANCE ASSISTANCE.—In the case of mitigation activities to structures insured by policyholders that are eligible for assistance under section 1308B, in an amount up to 100 percent of all eligible costs.”.

(c) INFORMATION COMPARISONS WITH THE NATIONAL DIRECTORY OF NEW HIRES FOR FLOOD INSURANCE ASSISTANCE INCOME VERIFICATION.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

“(12) INFORMATION COMPARISONS FOR FLOOD INSURANCE ASSISTANCE.—

“(A) FURNISHING OF INFORMATION BY FEMA.—The Administrator of the Federal Emergency Management Agency (in this paragraph, referred to as the ‘Administrator’) shall furnish to the Secretary, on such periodic basis as determined by the Administrator in consultation with the Secretary, information in the custody of the Administrator for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are applying for, or receiving benefits under, section 1308B of the National Flood Insurance Act of 1968.

“(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Administrator shall seek information pursuant to this paragraph only to the extent necessary to verify the employment and income of individuals described in subparagraph (A).

“(C) DUTIES OF THE SECRETARY.—



“(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Administrator, shall compare information in the National Directory of New Hires with information provided by the Administrator with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Administrator, in accordance with this paragraph, for the purposes specified in this paragraph.

“(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

“(D) USE OF INFORMATION BY FEMA.—The Administrator may use information resulting from a data match pursuant to this paragraph only—

“(i) for the purpose of verifying the employment and income of individuals described in subparagraph (A); and

“(ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

“(E) DISCLOSURE OF INFORMATION BY FEMA.—

“(i) PURPOSE OF DISCLOSURE.—The Administrator may make a disclosure under this subparagraph only for the purpose of verifying the employment and income of individuals described in subparagraph (A).

“(ii) DISCLOSURES PERMITTED.—Subject to clause (iii), the Administrator may disclose information resulting from a data match pursuant to this paragraph only to contractors of the Federal Emergency Management Agency, private insurance companies participating in the Write Your Own Program of the Federal Emergency Management Agency, the Inspector General of the Department of Homeland Security, and the Attorney General, in connection with the administration of a program described in subparagraph (A). Information obtained by the Administrator pursuant to this paragraph shall not be made available under section 552 of title 5, United States Code.

“(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this paragraph shall be—

“(I) made in accordance with data security and control policies established by the Administrator and approved by the Secretary;

“(II) subject to audit in a manner satisfactory to the Secretary; and

“(III) subject to the sanctions under subsection (l)(2).

“(iv) RESTRICTIONS ON REDISCLOSURE.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for verifying the employment and income of individuals described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretary and the Administrator.

“(F) REIMBURSEMENT OF HHS COSTS.—The Administrator shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.

“(G) CONSENT.—The Administrator shall not seek, use, or disclose information under this paragraph relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual).”.

(d) DIRECT APPROPRIATION.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, for each of fiscal years 2022 through 2025, \$800,000,000 to the National Flood Insurance Fund established under sec-

tion 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), which, subject to paragraph (2), shall be used to carry out section 1308B of that Act, as added by subsection (a) of this section.

(2) FAILURE TO ISSUE GUIDANCE.—If the Administrator of the Federal Emergency Management Agency fails to issue the interim guidance required under section 1308B(e)(2) of the National Flood Insurance Act of 1968, as added by subsection (a) of this section, the amounts made available under paragraph (1) may be used to provide financial assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

#### SEC. \_\_\_\_ FORBEARANCE ON NFIP INTEREST PAYMENTS.

(a) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary of the Treasury may not charge the Administrator of the Federal Emergency Management Agency (referred to in this section as the “Administrator”) interest on amounts borrowed by the Administrator under section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) that were outstanding as of the date of enactment of this Act, including amounts borrowed after the date of enactment of this Act that refinance debts that existed before the date of enactment of this Act.

(b) USE OF SAVED AMOUNTS.—There shall be deposited into the National Flood Mitigation Fund an amount equal to the interest that would have accrued on the borrowed amounts during the 5-year period described in subsection (a) at the time at which those interest payments would have otherwise been paid, which, notwithstanding any provision of section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d), the Administrator shall use to carry out the program established under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(c) NO RETROACTIVE ACCRUAL.—After the 5-year period described in subsection (a), the Secretary of the Treasury shall not require the Administrator to repay any interest that, but for that subsection, would have accrued on the borrowed amounts described in that subsection during that 5-year period.

**SA 2650.** Mr. WARNER (for himself, Mr. PORTMAN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, strike lines 5 through 18 and insert the following:

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed, and statements required to be furnished, after December 31, 2023.

(d) RULES OF CONSTRUCTION.—

(1) DEFINITION OF BROKER.—Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of—

(A) validating distributed ledger transactions through proof of work (mining) or proof of stake (staking), without providing other functions or services, or

(B) selling hardware or software the sole function of which is to permit persons to

control a private key (used for accessing digital assets on a distributed ledger).

(2) BROKERS AND TREATMENT OF DIGITAL ASSETS.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

**SA 2651.** Mr. WARNER (for himself, Mr. PORTMAN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, after line 8, insert the following:

(d) RULES OF CONSTRUCTION.—

(1) DEFINITION OF BROKER.—Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of—

(A) validating distributed ledger transactions through proof of work (mining) or proof of stake (staking), without providing other functions or services, or

(B) selling hardware or software the sole function of which is to permit persons to control a private key (used for accessing digital assets on a distributed ledger).

(2) BROKERS AND TREATMENT OF DIGITAL ASSETS.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

#### ORDERS FOR SUNDAY, AUGUST 8, 2021

Mr. SCHATZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Sunday, August 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon the conclusion of morning business, the Senate resume consideration of H.R. 3684.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL TOMORROW

Mr. SCHATZ. Mr. President, if there is no further business to come before